IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.979/06

Sau.Surekha Shrishail Badadale .....Applicant

V/s.

The state of Maharashtra .... Respondent

Shri.V.V.Purwant for the applicant

Miss.S.V.Gajre APP for the State

**CORAM : V.M. KANADE, J.**

**DATE : 03/04/06**

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.60/2005 for the offences punishable U/s.302, 498(A) r/w 34 of IPC.

3. It is alleged that the applicant who is sister-in-law of deceased poured kerosene on her and set her on fire. Dying declaration of victim was recorded in which she categorically stated that

present applicant poured kerosene and set her on fire. The applicant is a married lady who is permanently residing at her matrimonial house in Karnataka and she had visited her parents and during this period said incident in question happened. Though it is true that accused can be convicted on the basis of victim's sole dying declaration. But in the present case since we are at the stage of grant of bail, in my view, continued custody of applicant is not necessary. There is no possibility of the applicant tampering with the evidence. Applicant is permanent resident of Karnataka. Section 437 itself recognizes that in cases of women and children and exception can be made to the general rule.

4. Considering the facts and circumstances of this case, in my view, applicant is liable to be released on bail.

5. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in like amount.

6. The applicant shall report to nearest police station from her resident once in a month and after

case is committed to the Sessions Court, the applicant shall attend Sessions Court diligently on each and every date.

7. If any attempt is made to threaten the prosecution witnesses and complaint to that effect is received by I.O., liberty is given to the Public Prosecutor to apply for cancellation of bail.

8. Application is accordingly disposed of.

V.M. KANADE, J.